

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT CARTER,

Plaintiff,

v.

Case No. 06-11959
Honorable Patrick J. Duggan

PATRICIA CARUSO, et al.,

Defendants.

ORDER

Plaintiff initiated this lawsuit on April 27, 2006, alleging due process and equal protection violations arising from his exclusion from GED preparation classes during his placement in protective housing at Michigan's Standish Maximum Correctional Facility. Defendants filed a motion for summary judgment on August 17, 2006, which this Court granted on February 26, 2007. The Court also issued a judgment in favor of Defendants and against Plaintiff on that date. Presently before the Court is Defendants' motion to tax costs, filed March 13, 2007. In the motion, Defendants ask the Court to tax costs against Plaintiff pursuant to Federal Rule of Civil Procedure 54(d)(1) and 28 U.S.C. §§ 1920 & 1923. Plaintiff failed to file a response to the motion.

Defendants seek costs totaling \$38.80. This amount consists of \$18.80 in copying fees and \$20.00 in nominal attorney fees. Defendants are entitled to these amounts

pursuant to §§ 1920 and 1923, respectively. *See also Berryman v. Epp*, 844 F. Supp. 242, 244 (E.D. Mich. 1995)(concluding that a defendant is entitled to the \$20.00 docket fee set forth in 28 U.S.C. § 1923(a) upon entry of summary judgment as a final decision). The Court believes that these minimal costs should be taxable against Plaintiff even if he is unable to pay the assessment. *Talley-Bey v. Knelb*, 168 F.3d 884, 887 (6th Cir. 1999).

Accordingly,

IT IS ORDERED, that Defendants' motion to tax costs is **GRANTED**;

IT IS FURTHER ORDERED, that Plaintiff shall pay \$38.80 in costs to Defendants' counsel in accordance with the payment schedule set forth in 28 U.S.C. §§ 1915(b)(2) and (f)(2)(B).

Date: April 14, 2007

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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